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435712003521

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OFFICIAL

In re Application of: Ed Roschak et al.

Application No.: 10/079,605

Filed: February 21, 2002

For: DEVICES FOR APPLYING ENERGY TO TISSUE

The owner, Broncus Technologies, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/080,344 filed on February 21, 2002, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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S. B. Bagade April 5, 2004
Signature Date

Sanjay S. Bagade, 42,280

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